

UNITED STATES DISTRICT COURT

Northern District of California

United States of America for the use of

07-05912 JL

AAA Restau,

**NOTICE RE: NONCOMPLIANCE
WITH COURT ORDER**

Plaintiff(s),

v.

Yerba Buena Engineering &

Construction, Inc.,

Defendant(s).

The parties have failed to file an ADR Certification and either a Stipulation and [Proposed] Order Selecting an ADR Process or a Notice of Need for ADR Phone Conference as required by the Initial Case Management Scheduling Order. Counsel shall Meet and Confer forthwith in an attempt to agree on an ADR process for this matter. Thereafter, counsel, on behalf of themselves and each party, promptly shall file an **ADR Certification** and either 1) a **Stipulation and [Proposed] Order Selecting ADR Process**, or 2) a **Notice of Need for ADR Phone Conference** (Civil L.R. 16-8(b), ADR L. R. 3-5(b) Civil L.R. 16-8(c), ADR L. R. 3-5(c), (d)). (These forms are available at www.adr.cand.uscourts.gov.)

Further, in accordance with ADR L.R. 3-5(e) counsel shall concurrently provide a

1 copy of all documents filed pursuant to this notice directly to the ADR Unit either by fax
2 (415-522-4112), hand delivery (ADR Program, USDC, Northern District of California,
3 450 Golden Gate Avenue, 16th Floor, San Francisco, California), or by PDF attachment
4 to an e-mail directed to adr@cand.uscourts.gov.

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6 It is the responsibility of counsel to schedule an ADR Phone Conference, if
7 required, to occur before the Case Management Conference.

8
9
10 Dated: February 14, 2008

11 RICHARD W. WIEKING

12 Clerk

13 by: Timothy J. Smagacz



14 ADR Administrative Assistant

15 415-522-4205

16 Tim_Smagacz@cand.uscourts.gov
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PROOF OF SERVICE

Case Name: United States of America for the use of AAA Restau v. Yerba Buena Engineering & Construction, Inc.

Case Number: 07-05912 JL

I declare that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California. I am over the age of eighteen (18) years and not a party to the action. My business address is:

ADR Program
United States District Court
Norther District of California
450 Golden Gate Avenue Floor 16
San Francisco, CA 94102

On February 14, 2008, I served a true and correct copy of:

Notice Re: Noncompliance With Court Order

[X] electronically, I caused said documents to be transmitted using ECF as specified by General Order No. 45 to the following parties:

Lawrence E. Smith
Law Offices of Lawrence E. Smith
18 Crow Canyon Court
Suite 205
San Ramon, CA 94583
larry@lesmithlaw.com

Neil H. Bui
McInerney & Dillon
1999 Harrison Street
Suite 1700
Oakland, CA 94612
nhb@mcinerney-dillon.com

Timothy Farrell Winchester
McInerney & Dillon, P.C.
1999 Harrison Street
Suite 1700
Oakland, CA 94612-3610
tfw@mcinerney-dillon.com

[] by Facsimile, I caused said documents to be transmitted to the following parties by fax machine:

[] by U. S. Mail, I placed a true copy in a sealed envelope with postage fully prepaid in the United States Post Office Mail Box in San Francisco, California, addressed as follows:

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on February 14, 2008 in San Francisco, California.

RICHARD W. WIEKING

Clerk

by: Timothy J. Smagacz

A handwritten signature in black ink that reads "Timothy Smagacz". The signature is written in a cursive, flowing style.

ADR Administrative Assistant

415-522-4205

Tim_Smagacz@cand.uscourts.gov